

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 647

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO CHARGES FOR MOTOR VEHICLE TRAFFIC INCIDENT RESPONSES; AMENDING CHAPTER 3, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-346, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT A MUNICIPALITY FROM CHARGING AN INCIDENT RESPONSE FEE FOR THE USE OF EMERGENCY SERVICES RELATED TO TRAFFIC INCIDENTS, TO AUTHORIZE A MUNICIPALITY TO CHARGE FOR CERTAIN ACTUAL EXPENSES IN TRAFFIC INCIDENTS, TO PROVIDE FOR APPORTIONMENT OF ACTUAL EXPENSES AND TO PROVIDE THAT ESTABLISHED PROVISIONS SHALL NOT APPLY TO CERTAIN CHARGES; AND AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3222, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT A COUNTY FROM CHARGING AN INCIDENT RESPONSE FEE FOR THE USE OF EMERGENCY SERVICES RELATED TO TRAFFIC INCIDENTS, TO AUTHORIZE A COUNTY TO CHARGE FOR CERTAIN ACTUAL EXPENSES IN TRAFFIC INCIDENTS, TO PROVIDE FOR APPORTIONMENT OF ACTUAL EXPENSES AND TO PROVIDE THAT ESTABLISHED PROVISIONS SHALL NOT APPLY TO CERTAIN CHARGES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 3, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 50-346, Idaho Code, and to read as follows:

50-346. CHARGES RELATING TO MOTOR VEHICLE TRAFFIC INCIDENT RESPONSES. (1) As used in this section, "municipality" means a city or fire district and includes persons who contract with a municipality to provide emergency police, fire or ambulance services.

(2) As used in this section, "incident response fee" means charges or fees imposed on the driver or owner of a motor vehicle for the municipality's response to, or investigation of, a motor vehicle traffic incident, but does not include charges for providing necessary ambulance or emergency medical services.

(3) A municipality shall not impose an incident response fee, but may charge a person legally responsible for causing the motor vehicle traffic incident actual expenses incurred by the municipality as a result of responding to such incident, limited to:

(a) The cost to repair damaged public property;

(b) The cost to the municipality for materials used at the scene of the traffic incident; and

(c) Towing costs.

(4) If a municipality is allowed to charge more than one (1) individual for expenses set forth in subsection (3) of this section, the municipality shall apportion the charges so that it does not receive more for responding to the traffic incident than actual expenses incurred.

(5) The provisions of this section shall not apply to charges allowed pursuant to section 6-2401, Idaho Code.

1       SECTION 2. That Chapter 32, Title 31, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 31-3222, Idaho Code, and to read as follows:

4       31-3222. CHARGES RELATING TO MOTOR VEHICLE TRAFFIC INCIDENT RE-  
5 SPONSES. (1) As used in this section, "county" includes persons who contract  
6 with a county to provide emergency police, fire or ambulance services.

7       (2) As used in this section, "incident response fee" means charges or  
8 fees imposed on the driver or owner of a motor vehicle for the county's re-  
9 sponse to, or investigation of, a motor vehicle traffic incident, but does  
10 not include charges for providing necessary ambulance or emergency medical  
11 services.

12       (3) A county shall not impose an incident response fee, but may charge  
13 a person legally responsible for causing the motor vehicle traffic incident  
14 actual expenses incurred by the county as a result of responding to such in-  
15 cident, limited to:

16       (a) The cost to repair damaged public property;

17       (b) The cost to the county for materials used at the scene of the traffic  
18 incident; and

19       (c) Towing costs.

20       (4) If a county is allowed to charge more than one (1) individual for ex-  
21 penses set forth in subsection (3) of this section, the county shall appor-  
22 tion the charges so that it does not receive more for responding to the traf-  
23 fic incident than actual expenses incurred.

24       (5) The provisions of this section shall not apply to charges allowed  
25 pursuant to section 6-2401, Idaho Code.